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Attorneys for Plaintiffs  
HOLOGIC, INC., CYTYC CORPORATION and HOLOGIC L.P.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

HOLOGIC, INC., CYTYC CORPORATION,  
and HOLOGIC L.P.,

Plaintiffs,

vs.

SENORX, INC.,

Defendant.

AND RELATED COUNTERCLAIMS.

Case No. C08 00133 RMW (RS)

**DECLARATION OF MARILEE C. WANG  
IN SUPPORT OF MOTION TO FILE  
UNDER SEAL CONFIDENTIAL  
PORTIONS OF DEFENDANT SENORX,  
INC.'S RESPONSIVE CLAIM  
CONSTRUCTION BRIEF AND THE  
ENTIRETY OF CONFIDENTIAL  
EXHIBITS 15, 16, AND 17 PURSUANT TO  
CIVIL LOCAL RULE 79-5(D)**

1 I, Marilee C. Wang, declare as follows:

2 I am an attorney with the law firm of Howrey LLP, counsel for Plaintiffs Hologic, Inc., Cytoc  
3 Corporation and Hologic L.P. ("Hologic") in the above-captioned case. I am a member of the Bar of  
4 this Court and make this declaration pursuant to Civil Local Rule 79-5(d) in support of defendant  
5 SenoRx, Inc.'s Motion to File Under Seal Confidential Portions of Defendant SenoRx, Inc.'s  
6 Responsive Claim Construction Brief and the Entirety of Confidential Exhibits 15, 16, and 17 to the  
7 supporting Declaration of Adam D. Harber. (Docket No. 155). If called as a witness, I could and  
8 would testify competently to the contents of this declaration.

9 1. SenoRx, Inc. ("SenoRx") has submitted a confidential version of Defendant SenoRx,  
10 Inc.'s Responsive Claim Construction Brief in which several statements describing Hologic's  
11 confidential and proprietary business information and intellectual property are quoted from deposition  
12 testimony. These passages are highlighted in yellow and contain information that is internal,  
13 confidential, and sensitive to Hologic and its employees, and the unprotected distribution of this  
14 document in its unredacted form to the general public could cause harm to Hologic and its employees.  
15 Accordingly, Hologic respectfully requests that the Court authorize the filing under seal of the  
16 confidential version of SenoRx's Responsive Claim Construction Brief.

17 2. Exhibit 15 to the Declaration of Adam D. Harber in Support of SenoRx's Responsive  
18 Claim Construction Brief is a true and correct copy of excerpts from the May 19, 2008 deposition  
19 transcript of Jeffrey F. Williamson. The document is marked "Highly Confidential." The excerpts of  
20 Mr. Williamson's deposition provided in Exhibit 15 relates to Hologic's confidential and proprietary  
21 business information and intellectual property that is internal, confidential, and sensitive to Hologic  
22 and its employees, and the unprotected distribution of this document in its unredacted form to the  
23 general public could cause harm to Hologic and its employees. Accordingly, Hologic respectfully  
24 requests that the Court authorize the filing under seal of Exhibit 15 to the Declaration of Adam D.  
25 Harber in Support of SenoRx's Responsive Claim Construction Brief.

26 3. Exhibit 16 to the Declaration of Adam D. Harber in Support of SenoRx's Responsive  
27 Claim Construction Brief is a true and correct copy of excerpts from the May 24, 2008 deposition  
28 transcript of James F. Dempsey. The document is marked "Highly Confidential." The excerpts of Mr.

1 Dempsey's deposition provided in Exhibit 16 relates to Hologic's confidential and proprietary business  
2 information and intellectual property that is internal, confidential, and sensitive to Hologic and its  
3 employees, and the unprotected distribution of this document in its unredacted form to the general  
4 public could cause harm to Hologic and its employees. Accordingly, Hologic respectfully requests that  
5 the Court authorize the filing under seal of Exhibit 16 to the Declaration of Adam D. Harber in Support  
6 of SenoRx's Responsive Claim Construction Brief.

7 4. Exhibit 17 to the Declaration of Adam D. Harber in Support of SenoRx's Responsive  
8 Claim Construction Brief is a true and correct copy of excerpts from the May 29, 2008 deposition  
9 transcript of Timothy J. Patrick. The document is marked "Highly Confidential." The excerpts of Mr.  
10 Patrick's deposition provided in Exhibit 17 relates to Hologic's confidential and proprietary business  
11 information and intellectual property that is internal, confidential, and sensitive to Hologic and its  
12 employees, and the unprotected distribution of this document in its unredacted form to the general  
13 public could cause harm to Hologic and its employees. Accordingly, Hologic respectfully requests  
14 that the Court authorize the filing under seal of Exhibit 17 to the Declaration of Adam D. Harber in  
15 Support of SenoRx's Responsive Claim Construction Brief.

16 I declare under penalty of perjury under the laws of the United States of America that the  
17 forgoing is true and correct. Executed in East Palo Alto, California, on June 6, 2008.

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20 /s/ Marilee C. Wang  
21 Marilee C. Wang  
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Case No. C08 00133 RMW (RS)

**[PROPOSED] ORDER GRANTING THE  
MOTION TO FILE UNDER SEAL  
CONFIDENTIAL PORTIONS OF  
DEFENDANT SENORX, INC.'S  
RESPONSIVE CLAIM CONSTRUCTION  
BRIEF AND THE ENTIRETY OF  
CONFIDENTIAL EXHIBITS 15, 16, AND 17**

1 The Court, having considered SenoRx, Inc.'s Motion to Seal select portions of Defendant  
2 SenoRx, Inc.'s Responsive Claim Construction Brief and the entirety of Exhibits 15, 16, and 17 to the  
3 Declaration of Adam D. Harber in Support of SenoRx's Responsive Claim Construction Brief (Docket  
4 No. 155) and the Declaration of Marilee C. Wang in support thereof, finds that good cause exists  
5 pursuant to Civil L.R. 79-5 for the Motion and hereby orders that the Motion is GRANTED in its  
6 entirety.

7 The clerk shall maintain under seal the confidential version of Defendant SenoRx, Inc.'s  
8 Responsive Claim Construction Brief and the entirety of Exhibits 15, 16, and 17 to the supporting  
9 Declaration of Adam D. Harber.

10 It is SO ORDERED.

11  
12 Dated: \_\_\_\_\_, 2008

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HON. RONALD M. WHYTE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF  
CALIFORNIA